## WASHINGTON, D. C. Slavery, and not simply to prevent its establishment.

ADMISSION OF KANSAS.

SPEECH OF HON. JAMES HARLAN, OF IOWA, IN THE SENATE OF THE UNITED STATES,

MARCH 27, 1856. After a brief recital of facts concerning the invasion of Kansas, Mr. HARLAN proceeded: Believing Congress (if competent) a more desirable tribunal for the establishment of great questions of State than armed men on the battlefield. I ask the indulgence of the Senate while I

inquire—

1. Whether the Congress of the United States has power to exclude Stavery from her Territories.

2. Whether this power ought to be exercised in the organization of Territorial Governments where Stavery did not previously exist.

In support of these propositions, I desire to cite, first, the declaratory acts of Congress following each acquisition of territory by the United

In the year 1784, previous to the adoption of the Constitution of the United States, Virginia ceded to the Confederacy all of her territory lying northwest of the Ohio river. All other States claiming any interest in this territory made a similar conveyance, with a few comparatively unim-portant reservations. This was the first, and com-prised all the territory owned by the Confede-

In the year 1787, an Ordinance was adopted by the thirteen old States, containing a provision styled, "Articles of compact between the original States and the people and States in the Northwest Territory," which, unless changed by mutual consent, was "to remain unalterable forever." This

consent, was "to remain unalterable forever." This compact provides that

"There shall be neither Slavery nor involuntary servitude in the said Territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted."

This was the act of the thirteen sovereign States, while held together by Articles of Confederation. It had all the moral force of a regular treaty between independent nations. It was in

eration. It had all the moral force of a regular treaty between independent nations. It was in form a mere "law of Congress," subject to repeal or modification at the will of the majority; but had all the moral elements of a "compact," a bargain, concluded, signed, and sealed, between high contracting parties—unchangeable in its very nature, without the consent of all the parties in interest. And thus it was published and acquiesced in by the people of all the States and Territories. None were then found to complain of the restriction, and to demand "the right to carry their property" in men and women into these their property" in men and women into these Territories. So completely contented were all the original States, North and South, with this settlement of our Territorial policy, that in the formation of the Constitution of the United States, adopted in the year 1789, conferring on the central Government all the essential elements of nationality, nothing is said on this subject, only

The Congress shall have power to dispose of "The Congress shall have power to dispose of,
and make all needful rules and regulations respecting, the territory or other property belonging to the United States."

The government of the Territories is not even
named. This had been provided for by the Ordinance of 1787, a provision older than the Consti-

tution, which remained unchanged.

By an act passed at the First Congress, the Or-

finance was modified, and declared to be in full force; and to its provisions all the subsequent legislation of Congress quietly conformed for more than thirty years.

I am aware that an objection to the conclusiveness of this declaratory act of Congress has been urged with great ability by the bonorable Senator of Congress Life Toward Lor this floor.

tor from Georgia, [Mr. Toomes,] on this floor, a few days since, and also in a speech recently de-livered by him in Boston. That I may do him no injustice, I read from the latter, because in it think his views are represented with more clear-ness, precision, and strength, than in his recent impromptu reply to the honorable Senator from New Hampshire, [Mr. Hale.] He says: "From these facts it is clear that this legisla-

flict with the principle I assert, and does not furnish a precedent for hostile legislation by Congress against Slavery in the Territo 'That such was neither the principle nor the policy upon which this act of Congress in 1789 ed, is further shown by the subsequent action of the same Congress upon the same subject. On the 2d of April, 1790, Congress, by a formal act, accepted the cession by North Carolina of her Western lands, (now the State cession: 'That no regulations made, or to be made, by Congress, shall tend to emancipate slaves' in the ceded Territory; and on the 26th May, 1790, passed a Territorial bill for the government of all the territory claimed by the United States, south of the Ohio river. The description of this territory included all the lands ceded by North Carolina, and it included a great deal more. Its boundaries were left indefinite, because there were conflicting claims to all the rest of the territory. But this act put by the Federal Government, under this Pro-Slavery clause of the North Carolina deed. The whole action of the First Congress in relation to Slavery in the Territories is simply this: it acquiesced in a Government for the Northwest Territory, based upon a pre-existing Anti-Sla-very Ordinance, established a Government for the country ceded by North Carolina in conformity with the Pro-Slavery clause in her deed of cession, and extended this Pro-Slavery clause to all the rest of the territory claimed by the United States. This legislation vindicates the First Congress from all imputation of baving April, 1798, (during the administration of Preslation resting solely upon primary, original, un-fettered, constitutional power over the subject. It established a Government over the Territory included within the boundaries of a line drawn the Chatahoochee river, thence down that river

to be within the boundary of any of the States. The controversy arose out of this state of facts. "The charter of Georgia limited her boundary in the south by the Altamaba river. In 1762, (after the surrender of her charter,) her limits were extended on the south, by the Crown of Great Britain, to the St. Mary's river, and thence on the thirty-first parallel of latitude to the Mis-sissippi river. In 1764, it was claimed, that on the recommendation of the Board of Trade, the boundary was again altered, and that portion of territory lying within the boundaries I have described was annexed to West Florida, and that thus it stood at the Revolution and treaty of peace. Therefore, the United States claimed it as common property, and in 1798 passed the act now under review for its government. In that act, Congress neither claimed nor exercised any power to prohibit Slavery. The question came directly before it—the Ordinance of 1787, in terms, excluding the Anti-Slavery clause was applied to this Territory. This is a precedent directly in point, and is directly against the exercise of the power now claimed. In 1802, Georgia ceded her Western lands, pro-

defined by the treaty of Paris, and was held no

tecting Slavery in her grant, and the Federa Government observed the stipulation." The honorable Senator argues against the cor lusiveness of the Ordinance of 1787, as a legislae precedent, by citing the organic law passed 1790, for the territory south of the Ohio river which the clause of this Ordinance excluding Slavery was not applied; and, also, the organi-law of the Territory of Mississippi, approved in 1798, to which all this Ordinance was applied in

terms, except the clause excluding Slavery. To this I reply, that the act of 1790, although eneral, applied practically only to the Territory eded by North Carolina—now the State of Tennessee. Tennessee was an inhabited country.
As early as 1785, she had made an effort to secure rate State organization. The relation of and slave had previously been establish-ler the laws of North Carolina; who, in her leed of cession, had stipulated that Congress hould enact no law emancipating slaves in the eded Territory. This in no way conflicts with the Ordinance of 1787, which prohibited the in-

The same was substantially true of the Terriory of Mississippi, organized in 1798. It was ill claimed as a part of Georgia, whose boundary, by virtue of her charter granted in 1732, exempted to the Mississippi river. In point of fact, organize, the actilements on this river were under ver, the settlements on this river were under patrol of France until 1763, when they were

In the acquisition of Louisiana in 1803, and of the Floridas in 1819, the jurisdiction of the United States was extended over vast territories in which Slavery then existed by virtue of French and Spanish laws. The right of the people to hold slaves in these provinces, it was supposed, had become vested, and was not unsettled by the treaties conveying them to our Government Hence, Slavery was silently suffered to exist it pancy of slave property. Congress enacted no law on the subject. Here it was neither approved nor discarded. But in the enactment of the Missouri Compromise, in the year 1820, Congress provided that neither Slavery nor involuntary servitude should ever be permitted north di thirty-six degrees and thirty minutes. The principles of the Ordinance of 1787 were extended over the territories now embraced within th limits of Iowa, Minnesota, Kansas, and Nebras ka—then mostly uninhabited. From the history

of these transactions, the conclusion is irresisti-ble, that Congress intended that all of the im-mense territories ceded by France and Spain to this Government, not in the occupancy of slaveholding communities, should remain forever free and here our Territorial policy again rested for bout a quarter of a century.

In the "joint resolution," passed by Congress in the year 1845, "for annexing Texas to the United States," it was provided that

"New States of convenient size, not exceeding four in number, in addition to said State of Texas and having sufficient populations, may hereafter and by the consent of said States, be formed ou of the territory thereof, which shall be entitle to admission under the provisions of the Federa Constitution. And such States as may be formed 'Constitution. And such States as may be formed out of that portion of said territory lying south of 36° 30' north latitude, commonly known as the Missouri Compromise line, shall be admitted into the Union with or without Slavery, as the people of each State asking admission may desire. And in such State or States as shall be formed out of said territory north of said Missouri Compromise line, Slavery or involuntations of the said of tary servitude (except for crime) shall be pro

In the event of the division of this vast domai of Texas, it was provided that one or more of these four new States should be absolutely free and that all the remaining States thus forme might be admitted as free States, should the people desire it. And here again the subject rested until the year 1850.

But in the adjustment of the difficulties grow ing out of the acquisition of large territories from Mexico, as trophies of war, Territorial Governnents were established for Utah and New Mexico with a conditional provision for each: "That when admitted as a State, the said Ter-

ritory, or any portion of the same, shall be re-ceived into the Union with or without Slavery, as their Constitution may prescribe at the tin of their admission." Here, for the first time, the Territorial policy of

he Government, settled and uniform for nearly three quarters of a century, was changed. All the machinery of the ship of State here began to revolve in a different direction. The Northwest Territory, now embraced within the limits of five large and powerful States, was originally slave territory, by virtue of the laws of Virginia, (and other slave States ceding it to the Union,) as much so as the Territory of Kentucky, once held as a part of her dominions. But, by the Ordinance of 1787, it was all dedicated to Freedom. The territory now embraced within the limits

f Iowa, Minnesota, Nebraska, and Kansas, was doubtless slave territory, by virtue of French and Spanish laws. But by the enactment of the Mis-souri Compromise it was dedicated to Freedom. All the vast domain of Texas was, without dispute, slave territory, by virtue of her own laws, enacted and enforced during her nationality. But,

by the legislation of Congress admitting her into the Union, a large part of this, too, is prospect-ively dedicated to Freedom. But the Territories of New Mexico and Utah were, by virtue of Mexican laws, absolutely free, when, by the legislation of the Congress of the United States, ney were thrown open to Slavery. But this revulsion in the Territorial policy of the Government in 1850; this conditional conver-

violation of the settled policy of the country growing out of what had been supposed to be "compromises of the Constitution," and in vio ion of the moral feelings and clear convictions of of Congress to exclude Slavery, but in the name of concession and compromise, and as a condition although previously free by force of Mexican laws of her application-in connection with the enac ment of laws for the modification of the boundary rade in the District of Columbia, and the return of fugitives from labor.

The passage of these organic laws for Utah and New Mexico completed the settlement of the question of Slavery in all the Territories of the United States. Slavery was not prohibited in Utah and New Mexico by the laws of Congress; but in all that vast region, including Minnesota, Kansas, Nebraska, Oregon, and Washington, Slavery was still prohibited. This adjustment, obtained brough the influence of such men as Clay and Webster—now passed to their final reward—and men that I see around me, with the legislative experience of half a century crowning their brows, was said to be final. Reposing confidence in the wisdom and patriotism of statesmen who had stitution during the darkest hours of our nation history-who had been defenders of their home and their rights while the majority of them were still in their mothers' arms, the people peaceably though in many instances restlessly and reluc tantly, acquiesced in this supposed "finality. The admission of Slavery into Utah and Ne Mexico was not claimed as a constitutional right one is sufficiently reckless to pretend that the Compromise Measures of 1850 could have received ple, with the understanding that this enactn

cupancy of slaveholding communities.

In support of the proposition stated, I desire, in the second place, to cite the legislation of Conwest on that line to the Mississippi, then up that river to the beginning. This Territory was within the boundary of the United States, as gress in the organization of Territorial Govern-ments and in the admission of States formed ou of territory previously free.

From these citations (I remark, in passing) is will be seen that the President is in error when he says, in his annual message, in relation to the prohibition of Slavery in the Northwest Territory by the Ordinance of 1787, that

"Subsequent to the Constitution, this provision absolutely superseded by the Constitution. In the year 1789, the very first Congress con vened under, the provisions of the Cor passed a law transferring certain duties imposed by this Ordinance on Congress to the President of

preamble to this law:) "In order that the Ordinance of the United States in Congress assembled for the government of the Territory northwest of the river Ohi may continue to have full effect. "-- (Statutes a

the United States, (as is expressly stated in the

In the year 1800, Congress declared, in the or ganic law of the Territory of Indiana, "That there shall be established within said Territory a Government in all respects similar to that provided by the Ordinance of Congress passment of the Territory of the United States north west of the river Ohio; and the inhabitant shall be entitled to and enjoy all and singular the rights, privileges, and advantages, granted and secured to the people by the said Ordinance."—(Statutes at Large, vol. 2, p. 59.)

In 1802, (April 30,) Congress passed a law t enable the people of Ohio to form a State Constitution, in which it is provided that said Constitu tion shall not "be repugnant to the Ordinance of the 13". July, 1787, between the original States and the people and States of the Territory north-west of the river Ohio."—(Statutes at Large, vol.

2, p. 174.) In 1809 (February 3,) Congress incorporate the same provision in the organic law of Illinoi that was made a part of the organic law of Indi ana .- (Statutes at Large, vol. 2, p. 515.)

In 1805, the same provision was made in the organic law of Michigan .- (Statutes at Large, vol.

In the year 1816, (April 19,) Congress passed a law authorizing the people of Indiana to form a State Constitution, in which it is provided "That the same, whenever formed, shall be r

publican, and not repugnant to those articles of the Ordinance of the 13th of July, 1787, which are declared to be irrevocable between the original States and the people and States of th uter at Large, vol. 3, p. 290.)

it should conform to the provisions of the Ordi-On December 3, 1818, Illinois was by resolution

admitted into the Union as a sovereign State, on the ground that her Constitution, thus formed, did conform to the provisions of the Ordinance of 1787.—(Statutes at Large, vol. 3, p. 536.)

In the year 1820, as we have before stated Congress declared, in the law providing for the admission of Missouri into the Union, "That in all that territory ceded by Frauce t the United States, under the name of Louisians which lies north of thirty-six degrees and thirty

State contemplated by this act, Slavery and in voluntary servitude, otherwise than in the pur ishment of crimes, whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited."—(Statutes at Large, vol. p. 548.) In 1836, in the passage of the organic law the Territory of Wisconsin, which embraced what is now the States of Wisconsin and Iowa

and the Territory of Minnesota, Congress again extended and applied the provisions of the Ordi-nance of 1787 to an immense country beyond the limits of the Northwest Territory.—(Statutes at Large, vol. 5, p. 15.)

In 1838, Congress again endorsed this Ordinance of 1787, in the passage of the organic law of lowa, by extending to the people of this Territory "all the privileges, rights, and immunities, hitherto enjoyed by the people of Wisconsin."—(Stat-utes at Large, vol. 5, p. 239.) In 1845, Congress declared. (as we have before

stated,) in the act providing for the admission of Texas as a member of the Union, that Slavery should be prohibited in any State or States thereafter to be formed out of the territory north of the Missouri Compromise line established in 1820.—(Statutes at Large, vol. 5, p. 798.)

In 1848, (March 3,) Congress extended the provisions of the Ordinance of 1787 to all the territory of the United States west of the Rocky

tory of the United States west of the Rocky Mountains, north of the forty-second degree of north latitude, known as the Territory of Ore-

gon, in the following words:
"And be it further enacted, That the inhabitant of said Territory shall be entitled to enjoy all and singular the rights, privileges, and advan-tages, granted and secured to the people of the Territory of the United States northwest of the river Ohio, by the articles of compact contained in the Ordinance for the government of said Ter-ritory, on the 13th of July, 1787; and shall be subject to all the conditions, and restrictions and prohibitions, in said articles of compact imposed upon the people of said Territory."-(Statutes at Large, vol. 9, p. 329.) This embraced both Oregon and Washington

Territories. In 1849, the same provision enacted in regard to Iowa was incorporated into the organic law of Minnesota.—(Statutes at Large, vol. 9, p. 407.)

But all this mass of consecutive legislation, except the act of 1820, is ignored by the President. He tells us that this provision of the Ordinance of 1787 ceased to remain as a law, being absolutely superseded by the Constitution. It is unfortunate for the correctness of this statement, that the Statutes at Large of the United States have been published from session to session by authority of Congress, and scattered broadcast over these States; it is unfortunate for its credence, that so many millions of the freemen of this Republic can read plain English!

But the honorable Senator from Georgia takes precisely the opposite tack. He denies the position of the President, and says that this Ordi-

"Purported on its face to be a perpetual com-pact between the State of Virginia, the people of the Territories, and the then Government of the United States. It was unalterable except by 'all the parties. The division of that Territory
was provided for in the Ordinance; at each
division, the whole of the Ordinance was applied to each of its parts. Congress did not assert or exercise the right to alter a compact entered into with the former Government, (the old Confederation,) but gave its assent to the Government already established, and provided for in the compact. If the original compact was void for want of power in the old Govern-ment to make it, as Mr. Madison supposed, Congress may not have been bound to certainly had no power to alter it."

The honorable Senator from Georgia arrive

at an erroneous conclusion, only because his premises are untrue. This Ordinance does not purport on its face to be a compact between Virginia and the people of the Territories, and the United States, but a "compact between the original States, and the people and States in the said Territory." Virginia was no party to the bargain "on its face;" nor were the people and States in said Territories contracting parties. There were no States in the said Territory; the people had no organization; they had no power to bargain until after the Ordinance was passed; and the Ordinance bears the signature of no representa-tive of Virginia, nor of the Territory—and of no one but "William Grayson, chairman" of Cor gress, and "Charles Thompson, Secretary." In other words, it was a law of the United States, passed in the usual form, containing a solemi

declaration of the future policy of the Govern ment on the subject of Slavery in her Territories. It was no more irrepealable than the Missouri Compromise. Like the latter, it had all the moral elements of a perpetual covenant; but, legally, "it was a mere law of Congress;" and that, too, of a Congress under the Confederation, with fewer elements of sovereignty, with less power to bind the individual Stapossessed by Congress under the Constitution. Hence, if Congress had the power to repeal the Missouri Compromise, which literally means an agreement, a bargain, a "compact," it had the power to repeal the Compromise of 1787. They were both declaratory acts of Congress—nothing more. The veracity and honor of the nation were at stake. She had solemnly declared that Slavery should not be permitted in the Northwes Territory; and that in the Louisiana Territory north of 36° 30' Slavery should be forever prohib ited. This was the voice of the supreme power of the United States, spoken in the presthe enlightened nations of the earth. "a nude compact"—it bound no one but herself. If she chose to violate her plighted faith with her own citizens, and to stand a giant liar among the nations, she doubtless had the power.

But be this as it may, these legislative precedents are not confined to subdivisions of the Northwest Territory. They have constantly followed the progress of population in the free territory. It was first applied to Ohio; when the tide of population rolled across the Miami, it was applied to Idiana. applied to Indiana; when it crossed the Wabash it was applied to Illinois; when it surged up to the Northern lakes, it was applied to Michigan when it hugged the western shore of the laker up to the British possessions, and dashed across the great Father of Waters, it was applied to Wiswest Territory; and when it overleaped the Rock Mountains, this great vertebral column of the world, it was applied to Oregon and Washington, bounded by the Pacific Ocean. These consecutive legislative precedents, commencing in 1787, and continuing to 1854, stand unimpeached and unachable by any conclusive reasoning.

lecision of the Supreme Court. In 1854, Congress repealed the Missouri Compromise, on the ground of its unconstitutionality. The power of Congress to exclude Slavery from the Territories was then for the first time denied. The President has also declared these laws to e unconstitutional. He says, on the subject of the organization of the Territories of Utah and

New Mexico: "In the councils of Congress, there were mar ifested extreme differences of opinion and action ketween some Representatives, who desired the unconstitutional employment of the legislative powers of the Government to interfere in the condition of the inchoate States, and to impose their own social theories upon the latter, and other Representatives, who repelled the interpo-sition of the General Government in this respect and maintained the self-controlling rights of

"Once more the Constitution of the United States triumphed signally; the new Territories were organized without restrictions upon the dis puted point, and were thus left to judge in tha particular for themselves."

Those who desired Congress to exclude Slave

Territories were said "to desire the exercise of unconstitutional power;" and when Congress enacts laws throwing open territory, before free, to the occupancy of Slavery, he tells us " that the Constitution of the Union triumphe

But, Mr. President, I desire nere to inquite whence the President of the United States derived the power to adjudicate the constitutionality of laws which had previously passed through all the usual forms of legislation? I had supposed that such adjudications more fitly belonged to hat such adjudications more fitly below another department of the Government. The framers of the Constitution originally conferred

larations of the President and of Congress are based. For if these laws were in fact unconstitutional, it would be strange if none of the courts

tutional, it would be strange if none of the courts of the country, State or National, in all the complicated adjudication that has arisen since 1789, have had occasion to pronounce them void. The President pronounces these laws unconstitutional. Senators say they were unconstitutional. Congress repealed the Missouri Compromise because it was unconstitutional; and all who opposed this repeal are denounced as enemies to the Constitution. And yet the courts, the only constitutional tribunals on earth that have the right to adjudicate such questions, have never, I believe, even intimated such an opinion ! If I am in error in this, let old and experienced

Senators here, whose knowledge must be perfect on this subject, correct me. Does no one answer? I hear no reply. Then I infer there are no such decisions, well authenticated, of any court of the country, State or National. Then, sir, what becomes of these charges of "treason against the Constitution and the Union," so liberally fulmiconstitution and the Union," so liberally fulminated against the opponents of Slavery in Kansas? Before I am condemned as an enemy of my country, as a political traitor to her fundamental law, I desire to know that some court of competent jurisdiction has decided that my opinions are in onflict with the Constitution

I will not detain the Senate with the presenta tion of judicial opinions sustaining the constitu-tionality of the uniform legislation of Congress, which I have cited. The honorable Senator from llinois [Mr. TRUMBULL] discussed this point to some extent a few days since. It is not necessary for my argument; for the entire absence of any udicial opinion, State or National, in conflict with the constitutionality of these laws, in all the adjudication that has arisen during nearly seventy years, amounts to a negative pregnant, as potent in its convincing efficacy as the most elaborate

In the next place, I argue the existence of power in the Congress of the United States to legislate on the subject of Slavery in the Territories, from

In each of the States of the Union, the power In each of the States of the Union, the power of the General Government is restricted. Here the sovereignty is divided between the State and the United States. The powers of the United States are all derived from the State; but the powers of Congress in the Territories are not thus derived from a local Government—the order is reversed, and the Territorial Government derives all its powers from the Government of the United

States.

The Government of the United States acquired all her rights in the Northwest Territory, not by grant of all the old thirteen States through the grant of all the old thirteen States through the Constitution, but by deed from Virginia; in the Territory of Tennessee, from North Carolina; in the Southwest Territory, including Mississippi and Alabama, from Georgia and Great Britain; in the Floridas, from Spain; in the Louisiana Territory, from France. The United States was the successor of each of these; and it is a well-settled principle of national law, that whatever the original sovereign of each of these might the original sovereign of each of these might have done within its limits, while a part of his

dominions, might be done by his successor.

Prior to the year 1803, I suppose, full, com-plete, and exclusive sovereignty in the Louisiana Territory (including Kansas and Nebraska) was vested in France. The Government of the United states, by a direct purchase, succeeded to all the rights and sovereignty originally possessed by the grantor; and hence became the actual, full, complete, and exclusive sovereign of the Terri-tory. I suppose no one of the old thirteen States ever had any right, title, claim, or interest, in or to any part of the Louisiana Territory. No one of them had ever exercised any jurisdiction over it. It was a part of the dominions of France; she was its absolute sovereign. Hence the Gov-ernment of the United States must have succeeded to the same unrestricted rights, and may hold, exercise, and enjoy them, until she chooses to confer them on another sovereignty. If France, previous to the cession, could have excluded Slavery from Kansas and Nebraska, this Governdiscretion, for the exercise of which Congress is responsible to the people of the whole count and not to the people of any individual State.

acquire foreign territory. Mr. Jefferson and others have doubted the existence of this power under must follow the right to govern.

I argue the power of Congress to exclude Slavery from the common Territories, from the undisputed right to pass the Kansas-Nebraska act, conferring on the people "the right to regu-

late their own domestic institutions in their own

I will not here stop to argue the question

If Congress had no power under the Constitu tion to regulate the domestic institutions of Kanproperty-it could not confer this right on the people of the Territory. The grantor cannot convey rights and prerogatives which he never possessed. The grantee can never take more than the grantor himself held. It is absurd to suppose Congress capable of transferring to the people of Kansas rights, and privileges, and prerogatives, which Congress never possessed. The gran is worthless, if the original holder had no title Hence the edvocates of "squatter sovereignty are driven to admit that all the rights, and privi loges, and power, of the Territorial Legislature Kansas, were previously vested in the Govern-ment of the United States. But if this Government originally possessed the right to legislate for this Territory, and has since intrusted its exercise to a local Legislature, she is still responsible. The principal is responsible for the acts of the agent within the limits of his instructions. What a man does by an agent, he does by himself. Hence, by herself. What she does by the "spurious Legislature of Kansas, is her own act. sovereign can never avoid the responsibility governing, by interposing a subordinate. Hence these Kansas laws, enacted by her "Rump Legislature, establishing Slavery, appointing cers for a period of from two to five years, abrideing "freedom of speech and of the press," and making it a penal offence to deny the validity of such laws, are the laws of Congress. By recognising them, and suffering the President to enforce

them, you make them your own.

This conclusion can only be avoided by supposing Congress to have transferred this sovereignty to the people of the Territory, withou reservation-without the right of review and repeat well as the rights of person and property, was transferred absolutely, and irrevocably vested in the people of the Territories of Kansas and Nebraska by the law of 1854, Congress in that act created two States. Something less then a sovereign might interpret and apply a law, something less than a sovereign might enforce its provisions; but nothing less than "the supreme power in a State" can make a law. If, then, the people of Kansas have power, under the Constitution the United States, to legislate on all fit subje

of legislation, as perfectly as Virginia, or Iowa or New York, independent of Congress, she is NOW A STATE!-and she became a State the m ment this supreme power to make all needfulaws was conferred. It may be said, however, that these organ

laws do not confer power on the Territorial Legisprinciples of government;" that the right to govern is inherent in the people; that it is not the subject of transfer; that it is an inalienable right; that it follows American citizens wherever they may go within the jurisdiction of the United citizens of a State, is carried by the people to the Territories; that it is never lost; that to take it away is an act of despotism.

But this does not change the conclusion, It mat

ers not whence the power is derived-whether from

rnment of the United States or from JEHOVAH

es the power to make all needful laws exist in

the Territory? Is it absolutely vested in the people of Kansas? You say in the Kansas-Nebr act that it is thus vested; and being so vested, that Congress is released from all responsibility grow-ing out of the character of these laws. But if the people of Kansas have the absolute right to make all needful laws for their own government, they may create offices and fill them; they may establish courts, appoint judges and executive officers. The power to make laws, without the power to The appointment of a temporary Governor, and

these utterly fail to effect the object of their ap-

the opinions of the Judiciary on which the dec- a State Government. As well might the old mass of the people of the North and of the West.

plete power, in legislating for her Territories, "to command what is right, and to prohibit what is

The power of Congress to exclude Slavery from all the Territories of the United States, no em-

to probe the subject to the core. I prefer to rush away the surface rubbish, and to lay the for indations of the superstructure on the solid rock. 1. Is Slavery right? Is it in accordance with the principles of natural justice? The time has been, when very few in the country defended the moral right of one man to hold another in perpetual bondage. Its continuance hitherto has been defended by citing the difficulties that surrounded the question of emancipation. But the passage of the Kansas-Nebraska law has wrought a sad change. I fear, in the moral tone and temper of this discussion. Members of Congress new tell you that the enslavement of the African race by the Anglo-Saxon is no evil; that it is a blessing; that it is the natural condition of the two faces; that an enlightened philanthropy require the enslavement of the African; that he belongs to an inferior race; that he cannot endure the stack of

contact with his superiors; that annihilat on or servitude is the only alternative.

As the African is presented to my mind of the traveller and the historian, and by my personal observation, I am compelled to admit the aferiority; but, if the right of the Anglo-Say in to enslave him depends on his manifest infe ority, it becomes the duty of every Senator to estimine closly the nature of that inferiority. Is 't the esult of the enslavement of his ancestry for more than a thousand years, or is it a natural, "oecific difference, developed in an analysis of the elen ntary

roblem is worthy of the careful attention of the nerican Senate; for in its solution he legi lates, its influence, for the whole human rac —not its influence, for the whole human rac ly for the one thousand millions of people that now live, but for these teeming millions, an they shall continue to come and go while time shall

That each may arrive at a correct decision of the nature of the admitted inferiority of the African to the Anglo-Saxon, I request Senators to allow me to refer them to their early elementary reading—to a succinct view of this subject, derived from standard writers on physical, ment and moral science—from such works as are jed in colleges academics and morals as a colleges academics. all over the country—such works as are laced in the hands of the student of law, of me heine,

and of theology.

Physiologists tell us that there is no specific difference in the physical structure of the two races; that the solid parts of their bod is are onstituted of the same number of bon s and oints, similarly located and distributed; that there is not a muscle, or tendon, or ligan ent, or vein, or artery, or secretion, or absort int, or nerve of motion or of volition, found in the organism of one, that does not exist in the other; that each possesses the same senses of s ght, of touch, of taste, of smelling, and of hearing; that each possesses the same specific means of mastication, digestion, and procreation. There at &, howodorous than of the other. But these are il said to be but superficial modifications of the same gan has been omitted or added.

We are told, by writers on mental scien e, that the use of the same organs; that the ifrican and Anglo-Saxon alike experience ples the mastication of food, in the inhalation of fragrant odors, in the exercise of the sense o' touch, g to the melody and harmony of sound; that the same sounds, and colors, and motio s, and neights, and depths, and expanses, and m inifestto a key of grandeur or sublimity, overwh him the other with kindred emotions. They tell as that in each they find the same specific desiges, instincts, appetites, and passions; that es h may love, and hope, and fear, and hate—may be en-vious, jealous, and revengeful; that in esth they discover the faculty of perception, of con eption, of memory, of imagination, of belief, and of will that each experiences paternal, fraternal, and fil-

ial affection; that each experiences emotions of humanity, of patriotism, and of piety. From this physical and mental analysis, it will be perceived that each organ may be weaker in one race than in the other; but that in other respects they do not materially differ. The anato my of the one is the anatomy of the other; the mental science that describes the laws of mind of the one, delineates the spiritual nature of the other; the moral philosophy that analyses the moral emotions of the one, reveals the moral faculties of the other. All the laws of he ith and culture applicable to the one, are applicable to the other. The same physician that prescribes straw, prescribes with equal success for his mas-The same minister of righteousness who soothes the sorrows and assuages the griefs and hergizes the hopes of the slave, when the shadows of success the consolations of the same Cospel to

Anglo-Saxon does not consist in a generic or specific difference. It is that kind of which, doubtless, the enlightened Autesn would expect to find among the descridants of those who had been doomed to absolute servisymmetrical; his face less beautiful; his appetes, passions, instincts, and desires, less manions, less clear; his memory, consciou ness, be-ief, powers of reasoning and will, more feeble; his love of parents, of offspring, of man, of country, of truth, of honor, of justice, and of God, less reliable. But is any one of these absent? If so, what element of manhood has been omitted

None : not one! But if "he is inferior to the white mad" in this moral sensibilities obtuse—does that copfer the right on the man of strong body, of yigorous overque, and enslave him? Is it might that deterines the right? Because you have the power, may you of right enslave your fellow-men? Is this the voice of Northern gallantry and of South-

It might do for Louis Napoleon, as 20 sits a usurped throne, to claim the right, because he has the power, to control the destinies of other men. It might do for Alexander, the Cz rof Russia, as he sits enthroned where the old Yizard of the North spirited away the liberties & Europe, go within the jurisdiction of the United to make might the measure of right. Bu will it do at the right of self-government, held as for the American Senate to endorse and d fend this to place this country, in the eyes of the civilized nations, on the platform of the despots. If the Old World, which has so long been the object of our ridicule and scorn? If not, you must seturn to the doctrine of the fathers of the Rep olic, and defend the weak against the aggression olute and powerful. It will not do to deny the privilege of Freedom to all who are yout inferiors in physical, mental, and moral strength. Adopt this doctrine, and the Anglo-Saxon must proceed to enslave the world; for he is now, doubtless the strongest race on the globe.

This modern doctrine of Kansas De edcracythe right of the strong to enslave the r'ak—is at war with the original reason for civil s'ciety. He who is able to defend his own rights and to avenge interpret and apply them, is worthless. The power to make and adjudicate laws, without the power to make and adjudicate laws, without the power to execute, is perfectly nagatory. It is a mere pretence—a shadow—a name—a mockery.

In power to make laws, without the power to the strong arm of the law for his prote tion; but to defend the weak and to protect the strong arm of the law for his prote tion; but to defend the weak and to protect the strong arm of the law for his prote tion; but to defend the weak and to protect the strong arm of the strong arm of the law for his prote tion; but to defend the weak and to protect the strong arm of the law for his prote tion; but to defend the weak and to protect the strong arm of the law for his prote tion; but to defend the weak and to protect the strong arm of the law for his protect the strong arm of the law for his protect the strong arm of the law for his protect the strong arm of the law for his protect the strong arm of the law for his protect the strong arm of the law for his protect the strong arm of the law for his protect the strong arm of the law for his protect the strong arm of the strong arm of the law for his protect the strong arm of the law for his protect the strong arm of the law for his protect the strong arm of the strong arm his own wrongs needs not the inter it the satisfied spirit contemplating gre-truths, that thus illuminates a dignifithe control of France until 1763, when they were formally ceded to Great Britain, and thus continued until 1763, when all north of the thirty-first degree of north latitude became, by treaty, the property of the United States, over which Goorgia asserted her previous rights. Slavery had been established; the application of the Ordinance of the Ordinance when established; the application of the Ordinance when established; the application of the Ordinance when established; the provisions of the Ordinance when established; the application of the Ordinance when established; the provisions of the Ordinance which says, "there shall cannot now be suddenly remain distribution," which they may execute them and bring about anarchy and civil truths as "mere abstractions?" Am thus told this pointment, and bring about anarchy and civil truths as "mere abstractions?" Am thus told that "such popolical abstractions might does the surface of the United States, over which form an honorable competition of the Slavery are involved the previous rights. Slavery has long since been established; the application of that above recited, "the said State is admitted into the union."—(Statutes at Large, vol. 3, p. 399.)

In 1816, (December 11.) Congress passed a resolution of the Supreme Court.

Under the Constitution, Congress may enact that "such popolical abstractions might does the surface of the Window of the Survey of the United States, over which form an honorable compatition of structions of the Survey of the United States, over which served that "such popolical abstractions might does the surface of the Survey. The same abstractions?" Am thus told that "such popolical abstractions might does the surface of the Survey. The same abstractions might does the surface of the Survey of the United States, over which the surface of the Constitution of structions made that the scandal states of the Survey of the United States, over which the surface of the Survey of the United States, over which the surface of the Constitution of structions

heathen deity, whose prolific brain gave birth to a Minerva, when confronted by his own offspring, complain that he had created a god.

But if Kansas is not a State—if she does not possess the power to make laws, which is defined to be "the supreme power in a State"—if this right of self-government are not considered.

But, sir, this is not a mere abstraction, when

right of self-government was not carried by the people from the States to this Territory—and if Congress did not confer on the people of Kansas the right to enact all needful laws, and to regulate their own domestic institutions in theif own way—if the squatters are not sovereign—then this supreme power must be vested in the Government of the United States. Her will, legitimately expressed, is the law. She has the full and complete power, in legislating for her Territories, "to company what is night and to regulate their own domestic institutions in their own every embarrassment attending the question in advance of organized society, to plant the pillars of a State, where your will is supreme—where you may either approve or prohibit Slavery, as your hearts may prompt and your consciences

Then, if my argument is conclusive as an ab Then, if my argument is conclusive as an abstraction, it is equally conclusive when applied to the practical question of the introduction of Slavery into all the Territories of the United States, not embraced within the limits of any State, being established or conceded, I inquire, secondly, whether this power ought to be exercised in the establishment of Territorial Governments where Slavery did not previously exist.

In the discussion of this proposition, I wesire to probe the subject to the core. I prefer to rush was prohibited in the Northwest Territory, and as it is now prohibited in Minnesota and Oregon It should be prohibited wherever you go to lay the foundations of a State-to build up a nev

There is an apology for the existence of Slavery in the old thirteen States. When they were severed from Great Britain, they inherited the institution of Slavery. You found it pre-existing in the Territories of Louisiana and the Floridas. You acquired it with Texas, in her reception into the Union. But it was not acquired with Utah and New Mexico. And, in 1854, it had no practical existence north of 36° 30' in any of your Territories. In the great unoccupied Northwest this institution was no part of your inheritance There it can have no existence, unless planted and sustained by the strong arm of this Government I will close this point of the discussion by quoting an opinion of Hon. John McLean, one of the Justices of the Supreme Court of the United States. When interrogated on this subject, this learned jurist said :

"Without the sanction of law, Slavery can no more exist in a Territory than a man can breathe they are not made so by municipal law. The Legislature of a Territory can exercise no power which is not conferred on it by act of Congress.

If Congress has power to prohibit Slavery in all of her Territories, if natural justice requires aws of matter and of mind?

In laying the foundations of new State, this its prohibition wherever the question is barrassed by its pre-existence under local legisla-tion, it should be prohibited in Kansas without delay. There are imperative reasons for the im mediate action of Congress, growing out of the peculiar circumstances of its introduction and protection in that Territory. In its introduction, violence has attended it at every step—the right to the peaceful exercise of the elective franchise and of the press has been ingloriously trampled under foot—legislation has become a mockery— the towns of Kansas have been besieged by belligerent armies—her plains have been stained by wail and the orphans' moan over slaughtered husbands and fathers have driven the Goddess of Liberty from her temples, while the armies of the United States are compelling her freemen to lick the dust at the feet of usurpers. It was introduced by violence, and is sustained by force.

Nor has Congress any assurance that this wa is ended. The people of Missouri are secretly marshalling their forces for the conflict. They have resolved to continue Slavery in the Territory by force. The shadow of the arm of the General Government may be used for this purpose; but the propelling power is in Western Missouri. The people there seem to be laboring under the strange delusion, that the safety of their slaves would be greatly endangered by the re-establishment of Freedom in Kansas, not reflecting that Iowa bounds her on the north by an open line ment may do so now, subject only to the provision in the Constitution which says that Congress may make all needful rules and regulations respecting the Territories. The necessity of every the lips of the one, thick and protruding of the lips of the one, the lips of the one, the lips of the li But a strange infatuation seems to have seized them in regard to the people of Kansas; as if the more direct route to Canada were by the Rocky Mountains.

the people of the Southern States are contributing allies—they are sending men and money to defend Slavery in Kansas. The people of the Northern States are marshalling opposing armies for the same field of strife. Shall Congress sit idly here, and await the result of the shock of arms-if indeed, that shall happen—until a fraction of the people of this great nation shall settle a great question of State policy, on the battle-field, in human gore? It is useless to denounce the people of Kansas as traitors to the Union, for discarding the spurious laws of a spurious Legislature. It will be vain to attempt to produce peace and quiet, by compelling freemen to submit to

freeman will not so easily bend.

But Congress can settle these disturbances in a single day, either by suffering Kansas to be-come a State, in pursuance of "the true intent and meaning" of the organic act that conferred on the people "the right to regulate their own in stitutions in their own way," or by amending this organic act so as to exclude Slavery from the in no other mode; for it is now clear, that if the citizens of Kansas should finally succeed in triumphing over all opposing influences—force, fraud, perjury, spurious legislation, and I fear I may safely add, the influence of this Administhey have no assurance of peace and quiet; for the same statesmen that deny the power of Con-gress to exclude Slavery from the Territories, also deny the power of the Territorial Legislature to exclude this species of property. They tell us that such legislation by Congress and by Territorial Legislatures is alike unconstitutional and void; that slaveholders have the right to take purchased by the common folood and treasure; that the Constitution guaranties this right, and

Hence this "squatter sovereignty" doctrine, which declares that "the people of a Territory shall be left free to regulate their own institutions in their own way, is a fraud on the free States. When properly understood, it means that the people may establish Slavery in the Territories if they choose, and that they shall be compelled less. It has been introduced into Kansas by force, and is now defended by the armies tinctly notified, that if this defence of Slavery in the Territories should be discontinued, that

The honorable Senator from South Carolina, [Mr. BUTLER]—justly admired for his great tal-ents, and venerated for his candor and integrity— a few days since, in a very able speech then delivered on this subject on the floor of the Sen-ate, made the impressive and startling declaration, "That he wished to be understood—he did not speak rashly—his words were measured—but unless the equality of the States could be pre-served in Territorial legislation, he would advise the people of South Carolina to go out of the Union." This may not be the exact wording of the Senator's proposition, but it does no violence to the sense. He said "deliberately," (and called the Senate to note the deliberation)—"with the States could be preserved in Territorial legislation, he would advise the people of South

The character of that "equality" which must be maintained for the States, to prevent a disso-lution of the Union by the Southern States, is lution of the Union by the Southern States, is more elaborately expressed by the honorable Sen-ator from Georgia, [Mr. Toombs.] That I may not seem to do him injustice, I quote first from his recent speech delivered in the Senate. He says: "We intend that the actual bona fide settlers of Kansas shall be protected in the full exercise of all the rights of freemen; that, unawed and uncontrolled, they shall freely and of their own will legislate for themselves to every extent allowed by the Constitution, while they have a Territorial Government; and when they shall be in a condition to come into the Union, and may desire it, that they shall come into the Union with whatever republican Constitution they may prefer and adopt for themselves; that in the exercise of these rights they shall be protected against insurrection from within, and invasion from without, The rights are accorded to them without any reference to the result, and will be maintained, in my opinion, by the South and the North." Again:
"I know that many gentlemen with whom I have corresponded, and from whom I have other-

wise heard, in western Missouri, General Atchison among them, asked for nothing more.
They simply demand that the actual settlers who go to that country shall have a fair opportunity to establish those domestic institutions

to hold, the scales of justice even and unshaken. We still tell all the joint owners of this public turb you in the exercise of these invaluable rights; and when you have become powerful and strong enough to bear the burdens, and de-sire it, we will admit you into the family of sovereigns, without reference to your opinions and your action upon African Slavery. Decide that question for yourselves, and we will sustain your decision, because it is your right to make it. This is the policy of the Kansas bill; it

country."

But this is the pleasant spicing to an unpleasant its apparent fairness, and which is so finely exressed as to create a desire to leave its beauty marred. But how is its logic affected by the following, from the honorable Senator's Bost

by the South works no wrong to any portion of the Republic, to no sound rules of construction, and promotes the declared purposes of the Constitution. We simply propose that the common Territories be left open to the common enjoyment of all the people of the United States, that they shall be protected in their persons and property by the Federal Government until its authority is superseded by a State Constitution; and then we propose that the character of the domestic institutions of the new State be determined by the freemen thereof. This is just-

ice—this is constitutional equality."

Here, sir, what I have shown to be true, as logical sequence from the denial of power in Congress to exclude Slavery from the Territories, is distinctly avowed. The honorable Senator from Georgia [Mr. Toombs] declares this to be "the coastitutional construction of this point by the South." He says: "We still tell all the joint-owners of this pub-

lic domain to enter and enjoy it, both in the North and in the South, with property of every sort." "That, unawed and uncontrolled, they shall freely, and of their own will, legislate for themselves to every extent allowed by the Con-stitution, while they have a Territorial Govern-

But the "construction" of their "constitution I" powers "by the South," he tells us, is: That the common Territories be left open to the common enjoyment of all the people of the United States," with their property of every sort;" that this property shall be protected "by the Federal Government, until its authority is superseded by a State Constitution;" and that then, not before, "the domestic institutions of the new State may be determined by the freemen thereof." sir, this is "the equality of the States," which, we are gravely told by able Southern Senators. measured words," that must be preserved in the national Territories, if you would perpetuate the Union. You must continue Slavery in all the erritories, and protect it by the strong arm of the Federal Government as long as these Terriorial Governments continue, or the honorable Senator from South Carolina [Mr. BUTLER] will advise the people of that State to dissolve the

From this we may readily infer why those who

have resolved to make Kansas a slave State will

resist her admission into the Union until her pop-

lation shall have reached ninety-three thousand. Slavery is to be continued by force as long as the Territorial Government lasts: but when that is superseded by a State Government, her people re to have the gracious privilege of determining for themselves the character of their domestic institutions! This is a feature of "self-governaent" for Kansas, which the people of the North and of the West have not hitherto fully under-stood. They supposed their free sons, though poor in worldly wealth, might go to Kansas with nothing but hard hands, with strong arms, with sane minds, and with honest hearts, and by their they were procured, of which she cannot divest own votes settle the question of Slavery at once herself until she transfers this sovereignty to State and forever. But in this they were grievously Governments. deceived. The equality claimed by Southern Federal Government, in all the common Territories, until superseded by State Governments; that tion. This is the equality tendered to the North: this is the equality claimed by the South-the use and occupancy of all your Territories by slaveholding communities during the entire period of the continuance of Territorial Governments! This existthe claim of the lion's share. And men are denounced on the floor of the Senate as fanatics,

traitors to the Government, who discard such a construction of the great charter of Freedom-the-Constitution of the United States. Sir, it is apparent to the least observant, that f you establish Slavery in Kansas, and defend it with the armies of the nation, as you are now doing, until her population shall reach ninety-three thousand, it will have become so firmly estheir occupancy. with the frame-work of society, as to render its removal a practical impossibility; as much so as it now is in Missouri, Kentucky, or Louisiana. Slavery has never been removed from any one of the new States admitted into the Union. Mr. President, this "equality of States" in the Territories, which permits and defends Slavery in all of the Territories, crumbles under a careful analysis, as readily as the doctrine of "squatter sovereignty." The doctrine, "that the people of 'all the States may enjoy the common Territo-

ries, with their property of every sort, as a band of brothers, until their pupilage is terminated by a State Government, and that then they may 'frame such institutions as they desire," seems so plausible in fact, and so beautiful in theory as to almost palsy the tongue and bewilder the brain of him who disputes its truth. Nothing was ever more false, that seemed so fair. The establishment and continuance of Slavery in the Territories not only predetermines the question for the future States, but it violates the very equality which it pretends to foster and protect. The millions of hardy laborers of the North and Northwest will not live in a slaveholding community. I need not answer "why?" A thousand reasons are on their tongues. t may seem to be the result of a sickly sentiment-To them their conclusions seem to be the result of the clearest reasoning, sustained by the strongest sense of moral duty. If, then, you establish Slavery in the Territories, you exclude them from the enjoyment of this common heritage. The thousands and tens of thousands of men and women of the free North who migrate to the West are laborers. Many of them go to your new Territories with no capital except industrious habits, strong arms, generous hearts, and lofty purposes. They go to form new communities and a new society, where labor is honorable; where he who is too proud to work is discarded; where he who refuses, by his own toil, to add something to the solid capital of the country, is disgraced; where the industrious, the vigilant, and the frugal are honored and promoted; where in time gal, are honored and promoted; where, in time own soil, and run their own machinery. They live on a common platform of equality, because all are willing to labor for a living. Such men will never so degrade themselves as to labor in the fields, side by side, with Southern slaves.

Establish Slavery in the common Territories prohibit Slavery in the Territories, and you ex-clude slaveholders. Which is the greater "ine-quality?" The white population of the United States was reported by the officers of the Gov-ernment in 1850 at about twenty millions; the number of slaveholders, at less than one quarter of a million. If this be true, the enactment of laws excluding Slavery from the Territories would deprive less than a quarter of a million of the citizens of the country of the right to hold a species of property there, which nineteen mil-lions seven hundred and fifty thousand of their fellow-countrymen discard. Nineteen and three fourths millions of the people of the United States may still go to Kansas with their "property of every kind." The quarter of a million may go on equal terms. To make room for the slaves o the one quarter of a million, you are required to exclude the free millions of the North; for, by establishing Slavery in the Territories, you practically exclude free laborers, who are too proud to become the companions of slaves. Is this right? Is it just? Is that constitutional equal-For myself, sir, I am free to admit that I am

one of the number practically excluded. I esteem it no disgrace to say, sir, in the Senate of the United States, that from childhood I have been taught to labor. The sweat of my brow has been my only capital. I have been required to fulfill the edict pronounced by the Almighty, in the original formation of the human family, "that he had been to his heart of his heart that by the sweat of his brow he shall earn him

pete, in the school-room, at the black-board domain to enter and enjoy it, both in the North field, or in the shop, with the son of the South fand the South, with property of every sort; exercise the full powers of American freemen; legislate for yourselves to any and every extent,
and upon any and every subject allowed by our
common Constitution: the Federal Government
will protect you against all who attempt to dissee him reduced to a practical inequality of this kind, I would prefer to see his eyes plucked out and given to the eagles, and his heart snatched out and given to the vultures. Place him on a platform of equality—let him labor in the same phere, with the same chances of success and pronotion—let the contest be exactly equal between nim and others; and if, in the conflict of mind with mind, he should sink beneath the billow, let him perish!—but by no vote or act of mine will I give him an unequal battle. If I could not thus wrong my own child, I will not, as a Senator representing in part one of the States of this Union, by any official act of mine, either excludher free citizens from the enjoyment of our con mon Territories, or place them in companionshi with the field-hands of Southern planters. It is this claim of Southern statesmen to the va

of all the Territories for slaveholding communities, that is upheaving the elements of society, and dissolving old parties, North and West. The cra of Black Republicanism, nor the threat to dissolve the Union, will stay the swelling wave. The cry of Abolitionism will'be equally impotent.

"Abolitionist," with its original meaning, was exceedingly odious in the North and West, as well as South. When it meant an officious intermeddling of the people of one State with the do mestic affairs of another—when it was said to mean social equality and amalgamation of the

two races, there were but few to approve it; and I, sir, was never one of that number. While I saw no generic distinction between the two aces, it has always seemed to me that somethin was due to the common instincts, affinities, and decencies of life; all of which were so flagrant iolated by the great Democratic party, in 1836 by elevating a practical amalgamationist to the econd office in the gift of the nation, and again a 1840, by attempting to repeat the outrage. never acted with such a party; I never consult them, advised with them, nor voted for them. have always defended the right of the people the Southern States "to regulate their own de mestic institutions in their own way." But, I claim an equal right for the people of the wountry, by their representatives in Congress. regulate the domestic institutions of all the Terr tories belonging to the United States. This onstitutional equality, as I understand it. 1 each State control its own domestic affairs, with its own jurisdiction; and let Congress control it omestic affairs of the nation, wherever her so ereignty is unrestricted by an existing State Garament. And I shall not be deterred from a defence of this position by the cry of Abolition

And now, Mr. President, I conclude these deory remarks by recapitulating the argument. onclude that the Congress of the United State has power to prohibit Slavery in the Territor of the United States-

1. Because Congress has exercised this power by declaratory acts following the acquisition of the Northwest Territory, the Louisiana Territory the State of Texas, and Oregon.

2. Because Congress has prohibited Slaver the organization of Territorial Governments, and in the admission of States formed out of all terri-

tory where Slavery did not previously exist, em

racing all that vast country north of the Oh

river and 36° 30' of north latitude, extending

from the eastern line of Ohio to the Pacific Ocean embracing a period of time con 1787, and reaching to 1850. 3. Because there is not on record, in adjudication of all the courts of the country State and National, extending from the foundation of the Government to the present moment,

single adverse decision. 4. Because, in the acquisition of the Territorie the Government of the United States acquired ful complete, and exclusive sovereignty over them

ple of the Territories the power to legislate on uitable subjects of legislation, and to regulate their own domestic institutions in their own waysince a power could never be transferred, which was not previously held by Congress.

Secondly, I conclude that this power ought be exercised in the organization of Territori Governments where Slavery did not previous 1. Because natural justice, as interpreted

he fathers of the Republic, demands it.

2. Because the supposed or real inferiority as disunionists, as Black Republicans, and as the African race increases instead of diminishe the obligations of civil society to protect him from the oppression of the strong and powerful. 3. Because equality among the people of all th States requires it: the permission of Slavery the Territories practically excluding an ove whelming majority of the American people fr

> 4. Because the peace and quiet of the Territ ries requires that this, and all great questions State, should be settled by the supreme legisle

And, lastly, because its speedy exercise see to be the only means for restoring to the people of Kansas the rights of freemen, of which they have been deprived by violence.

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